IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.11007 of 2008

BIJAY RAM & ANR
Versus
STATE OF BIHAR & ANR

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3. 19.8.2008 Heard the learned counsel for the petitioners and opposite party no.2 as well as the State.

The petitioners are apprehending their arrest in connection with Complaint Case No.136(C) of 2007 for the alleged offences registered under section 498A of the Indian Penal Code.

It is submitted on behalf of the petitioners that on perusal of the documents annexed with this petition it would appear that the complainant herself is not willing to reside with the petitioners and she had filed an affidavit that she wants to live with another person. As such, in the above circumstances, the petitioners submits that the present case has been lodged implicating them for ulterior purposes.

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Learned counsel for opposite party no.2 submits that the allegation that she had herself left her matrimonial home and wishes to live with another man is not correct. As a matter of fact, opposite party no.2 is still willing and desirous of living with the son of the petitioners.

Considering the above, it is directed that petitioner no.1 Bijay Ram and petitioner no.2 Sona Devi, in the event of their arrest or surrender in connection with Complaint Case No.136(C) of 2007, within a period of four weeks from today, be enlarged on bail

on furnishing bail bonds of Rs.10,000/- (Ten thousand)each with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Sheikhpura, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

It is jointly submitted that both the parties are willing to settle the disputes amicably so that the complainant as well as the son of the petitioner may live together. It will be open for the complainant to go to her matrimonial home and live with the in-laws' family on being taken by the son of the petitioners. The petitioners have no objection.

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PNM **(Shailesh Kumar Sinha, J.)**